

LEXSTAT 20 USC 1092

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TITLE 20. EDUCATION
CHAPTER 28. HIGHER EDUCATION RESOURCES AND STUDENT ASSISTANCE PROGRAMS
STUDENT ASSISTANCE
GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

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§ 1092. Institutional and financial assistance information for students

(a) Information dissemination activities.

(1) Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this title. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 444 of the General Education Provisions Act [20 USCS § 1232g] (also referred to as the Family Educational Rights and Privacy Act of 1974), together with a statement of the procedures required to obtain such information. The information required by this section shall accurately describe—

- (A) the student financial assistance programs available to students who enroll at such institution;
- (B) the methods by which such assistance is distributed among student recipients who enroll at such institution;
- (C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;
- (D) the rights and responsibilities of students receiving financial assistance under this title;
- (E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;
- (F) a statement of—
 - (i) the requirements of any refund policy with which the institution is required to comply;
 - (ii) the requirements under section 484B [20 USCS § 1091b] for the return of grant or loan assistance provided under this title; and
 - (iii) the requirements for officially withdrawing from the institution;
- (G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, and (iii) the faculty and other instructional personnel;
- (H) each person designated under subsection (c) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;
- (I) special facilities and services available to handicapped students;
- (J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing;

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(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 484(a)(2) [20 USCS § 1091(a)(2)];

(L) the completion or graduation rate of certificate-or degree-seeking, full-time, undergraduate students entering such institutions;

(M) the terms and conditions under which students receiving guaranteed student loans under part B of this *title* [20 USCS §§ 1071 et seq.] or direct student loans under part E of this *title* [20 USCS §§ 1087aa et seq.], or both, may—

(i) obtain deferral of the repayment of the principal and Interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service, and

(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) [or] under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or, for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness in the field of community service;

(N) that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance; and

(O) the campus crime report prepared by the institution pursuant to subsection (f), including all required reporting categories.

(2) For the purpose of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

(3) In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e), a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

(A) shall be made available by July 1 each year to enrolled students and prospective students prior to the students enrolling or entering into any financial obligation; and

(B) shall cover the one-year period ending on August 31 of the preceding year.

(4) For purposes of this section, institutions may exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.

(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection.

(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4) or for students transferring into the institution or information showing the rate at which students transfer out of the institution.

(b) Exit counseling for borrowers.

(1) (A) Each eligible institution shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B [20 USCS §§ 1071 et seq.] (other than loans made pursuant to section 428B [20 USCS § 1078-2]) of this title or made under part D or E of this *title* [20 USCS §§ 1087a et seq. or 1087aa et seq.] prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

(i) the average anticipated monthly repayments, a review of the repayment options available, and such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness; and

(ii) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest pursuant to sections 428(b), 464(c)(2), and 465 [20 USCS §§ 1078(b), 1087dd(c)(2), 1087ee].

(B) In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2) (A) Each eligible institution shall require that the borrower of a loan made under part B, D, or E [20 USCS §§ 1071 et seq., 1087a et seq., or 1087aa et seq.] submit to the institution, during the exit interview required by this subsection—

(i) the borrower's expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii) the name and address of the borrower's expected employer after leaving the institution;

(iii) the address of the borrower's next of kin; and

(iv) any corrections in the institution's records relating the borrower's name, address, social security number, references, and driver's license number.

(B) The institution shall, within 60 days after the interview, forward any corrected or completed information received from the borrower to the guaranty agency indicated on the borrower's student aid records.

(C) Nothing in this subsection shall be construed to prohibit an institution of higher education from utilizing electronic means to provide personalized exit counseling.

(c) Financial assistance information personnel. Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a). The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this title at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

(d) Departmental publication of descriptions of assistance programs.

(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this title. In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the Department's Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(e) Disclosures required with respect to athletically related student aid.

(1) Each institution of higher education which participates in any program under this title and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student's parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association's member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.

(3) For purposes of this subsection, institutions may exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the armed services, on official church missions, or with a recognized foreign aid service of the Federal Government.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by—

(A) individual institutions of higher education; and

(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term "athletically related student aid" means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(9) The reports required by this subsection shall be due each July 1 and shall cover the 1-year period ending August 31 of the preceding year.

(f) Disclosure of campus security policy and campus crime statistics.

(1) Each eligible institution participating in any program under this title shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

(i) the enforcement authority of security personnel, including their working relationship with State and local police

agencies: and

(ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

(I) murder;

(II) sex offenses, forcible or nonforcible;

(III) robbery;

(IV) aggravated assault;

(V) burglary;

(VI) motor vehicle theft;

(VII) manslaughter;

(VIII) arson; and

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 120 of this Act [20 USCS § 1011i].

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this title shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

(4) (A) Each institution participating in any program under this title that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including—

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B) (i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction

of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

(A) review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6) (A) In this subsection:

(i) The term "campus" means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(ii) The term "noncampus building or property" means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iii) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in paragraphs (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act [28 USCS § 534 note]. Such statistics shall not identify victims of crimes or persons accused of crimes.

(8) (A) Each institution of higher education participating in any program under this title shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

(i) such institution's campus sexual assault programs, which shall be aimed at prevention of sex offenses; and

(ii) the procedures followed once a sex offense has occurred.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.

(ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.

(iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.

(iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that—

(I) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and

(II) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.

(v) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.

(vi) Notification of students of existing counseling, mental health or student services for victims of sexual assault,

both on campus and in the community.

(vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

(9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(13) Upon a determination pursuant to section 487(c)(3)(B) [20 USCS § 1094(c)(3)(B)] that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 487(c)(3)(B) [20 USCS § 1094(c)(3)(B)].

(14) (A) Nothing in this subsection may be construed to—

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(15) This subsection may be cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".

(g) Data required.

(1) In general. Each coeducational institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A) The number of male and female full-time undergraduates that attended the institution.

(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men's and women's teams overall.

(F) The total annual revenues generated across all men's teams and across all women's teams, except that an institution

may also report such revenues by individual team.

(G) The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

(I) (i) The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J) (i) The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

(2) Special rule. For the purposes of subparagraph (G), if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary among the teams on a basis consistent with the coach's responsibilities for the different teams.

(3) Disclosure of information to students and public. An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

(4) Submission; report; information availability.

(A) On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B) The Secretary shall prepare a report regarding the information received under subparagraph (A) and submit such report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by April 1, 2000. The report shall—

- (i) summarize the information and identify trends in the information;
- (ii) aggregate the information by divisions of the National Collegiate Athletic Association; and
- (iii) contain information on each individual institution of higher education.

(C) The Secretary shall ensure that the reports described in subparagraph (A) and the report to Congress described in subparagraph (B) are made available to the public within a reasonable period of time.

(D) Not later than 180 days after the date of enactment of the Higher Education Amendments of 1998 [enacted Oct. 7, 1998], the Secretary shall notify all secondary schools in all States regarding the availability of the information reported under subparagraph (B) and the information made available under paragraph (1), and how such information may be accessed."

(5) Definition. For the purposes of this subsection, the term "operating expenses" means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

HISTORY:

(Nov. 8, 1965, P.L. 89-329, Title IV, Part G[F], § 485, as added Oct. 3, 1980, P.L. 96-374, Title IV, Part E, § 451(a), 94 Stat. 1449; Oct. 17, 1986, P.L. 99-498, Title IV, §§ 406(a), 407(a), 100 Stat. 1454, 1482; June 3, 1987, P.L. 100-50, § 15(10), (11), 101 Stat. 357; Nov. 8, 1990, P.L. 101-542, Title I, §§ 103(a), (b), 104(a), Title II, § 204(a), 104 Stat. 2381, 2382, 2383, 2385; Nov. 16, 1990, P.L. 101-610, Title II, Subtitle A, §§ 201-203, 104 Stat. 3171, 3172; April 9, 1991, P.L. 102-26, § 10(a)-(d), 105 Stat. 128; Nov. 15, 1991, P.L. 102-164, § 603, 105 Stat. 1066; July 23, 1992, P.L. 102-325, Title IV, Part G, § 486(a)-(c)(2), 106 Stat. 620; Dec. 20, 1993, P.L. 103-208, § 2(h)(28)-(37), (k)(9), 107 Stat. 2477, 2486; Oct. 20, 1994, P.L. 103-382, Title III, Part E, § 360B(c), 108 Stat. 3970; Sept. 30, 1996, P.L. 104-208, Div A, Title I, § 101(e) [Title III, § 308], 110 Stat. 3009-262; June 12, 1997, P.L. 105-18, Title VI, § 60001(a), 111 Stat. 214; Oct. 7, 1998, P.L. 105-244, Title I, § 102(b)(3), Title IV, Part G, § 486, 112 Stat. 1622, 1741.)

(As amended Oct. 28, 2000, P.L. 106-386, Div B, Title VI, § 1601(c)(1), 114 Stat. 1537.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

"This title", referred to in this section, is Title IV of Act Nov. 8, 1965, P.L. 89-329, which appears as *20 USCS §§ 1070 et seq.* and *42 USCS §§ 2751 et seq.*

Explanatory notes:

A prior section 1092 (Act Nov. 8, 1965, P.L. 89-329, Title V, Part A, § 508 [502], as added June 29, 1967, P.L. 90-35, §§ 2(b), 7, 81 Stat. 82, 93) was repealed by Act Oct. 12, 1976, Title I, Part E, § 151(a)(2), 90 Stat. 2151, effective Sept. 30, 1976, as provided by § 515(b) of such Act, which formerly appeared as *20 USCS § 1101* note. Such section prohibited the making of payments for religious purposes for authorized programs.

Effective date of section:

This section took effect on Oct. 1, 1980, pursuant to § 1393(a) of Act Oct. 3, 1980, P.L. 96-374, which appears as *20 USCS § 1001* note.

Amendments:

1986. Act Oct. 17, 1986 (effective on enactment as provided by § 2 of such Act, which appears as *20 USCS § 1001* note) substituted the text of this section for text which read:

"(a)

(1) Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students regarding the institution and financial assistance under this title. The information required by this section shall be produced and be made readily available, through appropriate publications and mailings, to all current students, and to any prospective student upon request. The information required by this section shall accurately describe—

"(A) the student financial assistance programs available to students who enroll at such institution;

"(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

"(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

"(D) the rights and responsibilities of students receiving financial assistance under this title;

"(E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expenses a specific interest;

"(F) a statement of the refund policy of the institution for the return of unearned tuition and fees or other refundable portion of cost, as described in clause (E) of this paragraph;

"(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, and (iii) the faculty and other instructional personnel;

"(H) each person designated under subsection (b) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

"(I) special facilities and services available to handicapped students;

"(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing; and

"(K) the standards which the student must maintain in order to be considered to be making satisfactory progress,

pursuant to section 484(a)(3).

"(2) For purposes of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

"(b) Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a). The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this title at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

"(c) The Secretary shall make available to eligible institutions descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (1) assist students in gaining information through institutional sources, and (2) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs."

1987. Act June 3, 1987 (effective as if enacted as part of the Higher Education Amendments of 1986, as provided by § 27 of the 1987 Act, which appears as *20 USCS § 1001* note), in subsec. (b), inserted "(other than loans made pursuant to section 428B)"; and, in subsec. (d), inserted the sentence beginning "In addition, such information . . .".

1990. Act Nov. 8, 1990, in subsec. (a), in para. (1), in subpara. (J), deleted "and" following the semicolon, in subpara. (K), substituted "; and" for the concluding period, and added subpara. (L), and added paras. (3) and (4).

Such Act further (effective as provided by § 104(b) of such Act, which appears as a note to this section) added subsec. (e).

Such Act further (effective 9/1/91 and applicable as provided by § 204(c) of such Act, which appears as a note to this section) added subsec. (f).

Act Nov. 16, 1990, in subsec. (a), in para. (1), in subpara. (J), deleted "and" following the semicolon, in subpara. (K), substituted "; and" for the concluding period, both of which amendments had already been made by Act Nov. 8, 1990, and added subpara. [(M)](L); in subsec. (b), in para. (1), deleted "and" following the semicolon, in para. (2), substituted "; and" for a concluding period, and added para. (3); and, in subsec. (d), inserted the sentence which begins "The Secretary shall provide information . . .".

1991. Act April 9, 1991, in subsec. (a), in para. (1)(L), inserted "undergraduate", in para. (3), in subpara. (A), inserted "and" following the semicolon, in subpara. (B), substituted a period for "; and" and deleted subpara. (C), which read: "(C) shall be updated not less than biennially.", and added para. (5); in subsec. (f)(1), in the introductory matter, substituted "August 1, 1991," for "September 1, 1991,", and, in subpara. (F), in the introductory matter, substituted "calendar year" and "calendar years" for "school year" and "school years", respectively.

Act Nov. 15, 1991, in subsec. (b), substituted the subsec. heading for one which read: "Exit counseling for borrowers." and, in the concluding matter, added the sentences beginning "Each eligible . . ." and "In the case of a loan . . .".

1992. Act July 23, 1992 (effective and applicable as provided by § 498 of such Act, which appears as *20 USCS § 1088* note); as amended by § 2(k)(9) of Act Dec. 20, 1993, P.L. 103-208 (effective as if included in Act July 23, 1992, P.L. 102-325, except that *20 USCS § 1098a* shall not apply to the amendments made by this Act, as provided by § 5(a) of such Act, which appears as *20 USCS § 1003* note), in subsec. (a)(1), in subpara. (F), inserted ", as determined under section 484B," and ", which refunds shall be credited in the following order:" and cls. (i)-(viii), in subpara. (K), deleted "and" after the concluding semicolon, in subpara. (L) (as added by Act Nov. 8, 1990, P.L. 101-542), substituted a semicolon for the concluding period, redesignated subpara. [(M)](L) (as added by Act Nov. 16, 1990, P.L. 101-610) as subpara. (M), and in cl. (ii) thereof, substituted "; and" for the concluding period, and added subpara. (N); and substituted subsec. (b) for one which read:

"(b) Exit counseling for borrowers; borrower information. Each eligible institution shall, through financial aid officers or otherwise, make available counseling to borrowers (individually or in groups) of loans which are made, insured, or guaranteed under part B of this title (other than loans made pursuant to section 428B) or made under part E of this title prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure

from such institution. The counseling required by this subsection shall include—

- "(1) general information with respect to the average indebtedness of students who have loans under part B or part E;
- "(2) the average anticipated monthly repayments, a review of the repayment options available, together with such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness; and
- "(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 *U.S.C.* 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 *U.S.C.* 4951 et seq.) or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness.

In the case of a borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information to the student in writing. Each eligible institution shall require that the borrower of a loan made under part B, part D, or part E submit to the institution, during the exit interview required by this subsection, the borrower's expected permanent address after leaving the institution, regardless of the reason for leaving; the name and address of the borrower's expected employer after leaving the institution; and the address of the borrower's next of kin. In the case of a loan made under part B, the institution shall then submit this information to the holder of the loan."

Such Act further (effective as provided by § 486(c)(3) of such Act, which appears as a note to this section, and as provided by § 498 of such Act, which appears as 20 *USCS* § 1088 note), in subsec. (f), in para. (1), substituted subpara. (F) for one which read:

"(F) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

- "(i) murder;
- "(ii) rape;
- "(iii) robbery;
- "(iv) aggravated assault;
- "(v) burglary; and
- "(vi) motor vehicle theft."

Such Act further (effective with respect to periods of enrollment beginning on or after July 1, 1993, as provided by § 498 of such Act, which appears as 20 *USCS* § 1088 note), in subsec. (f), added para. (7).

1993. Act Dec. 20, 1993 (effective as if included in Act July 23, 1992, P.L. 102-325, except that 20 *USCS* § 1098a shall not apply to the amendments made by this Act, as provided by § 5(a) of such Act, which appears as 20 *USCS* § 1003 note), in subsec. (a), in para. (1), in subpara. (F), in cls. (i), (ii), and (iii), inserted "for the period of enrollment for which a refund is required", in cl. (iv), inserted "under", in cl. (vii), deleted "provided under this title" after "assistance", in cl. (viii), deleted a period after "student", deleted cl. (vi), which read: "to awards under part C of this title", and redesignated cls. (vii) and (viii) as cls. (vi) and (vii), respectively, and, in subpara. (L), inserted a comma after "full-time" and amended the directory language of § 486(a)(3) of Act July 23 1992, P.L. 102-325, without affecting the text of this section, substituted para. (3)(A) for one which read: "shall be available beginning on July 1, 1993, and each year thereafter to current and prospective students prior to enrolling or entering into any financial obligation; and"; in subsec. (b), in para. (1)(A), in the introductory matter, substituted "under part" for "under parts" before "D or E", and, in para. (2)(A), in the introductory matter, substituted "under part" for "under parts" before "B, D, or E"; in subsec. (d), inserted a period before "Such information"; and added subsec. (e)(9).

1994. Act Oct. 20, 1994, added subsec. (g).

1996. Act Sept. 30, 1996, in subsec. (e)(9), substituted "August 30" for "June 30".

1997. Act June 12, 1997, in subsec. (a)(3)(B), substituted "August 31" for "June 30"; and, in subsec. (e)(9), substituted "August 31" for "August 30".

1998. Act Oct. 7, 1998 (effective on 10/1/98, as provided by § 3 of such Act, which appears as 20 *USCS* § 1001 note), in subsec. (a), in para. (1), in the introductory matter, substituted "upon request, through appropriate publications, mailings,

and electronic media, to an enrolled student and to any prospective student" for ", through appropriate publications and mailings, to all current students, and to any prospective student upon request", and inserted the sentence beginning "Each eligible institution shall . . .", substituted subpara. (F) for one which read:

"(F) a statement of the refund policy of the institution, as determined under section 484B, for the return of unearned tuition and fees or other refundable portion of cost, as described in subparagraph (E) of this paragraph, which refunds shall be credited in the following order:

"(i) to outstanding balances on loans under part B of this title for the period of enrollment for which a refund is required,

"(ii) to outstanding balances on loans under part D of this title for the period of enrollment for which a refund is required,

"(iii) to outstanding balances on loans under part E of this title for the period of enrollment for which a refund is required,

"(iv) to awards under subpart 1 of part A of this title,

"(v) to awards under subpart 3 of part A of this title,

"(vi) to other student assistance, and

"(vii) to the student;"

in subpara. (M), deleted "and" after the concluding semicolon, in subpara. (N), substituted "; and" for a concluding period, and added subpara. (O), in para. (3), substituted subpara. (A) for one which read: "(A) shall, for any academic year beginning more than 270 days after the Secretary first prescribes final regulations pursuant to such subparagraph (L), be made available to current and prospective students prior to enrolling or entering into any financial obligation; and", and added para. (6); in subsec. (b), in para. (1)(A), deleted "(individually or in groups)" following "borrowers" and, in para. (2), added subpara. (C); in subsec. (d), redesignated cls. (1) and (2) as cls. (A) and (B), designated the existing provisions as para. (1), and added paras. (2) and (3); in subsec. (e), in para. (2), substituted "the student's parents, guidance" for "his parents, his guidance", and added the sentence beginning "If the institution is a member . . .", and substituted para. (9) for one which read: "(9) This subsection shall not be effective until the first July 1 that follows, by more than 270 days, the date on which the Secretary first prescribes final regulations pursuant to this subsection. The reports required by this subsection shall be due on that July 1 and each succeeding July 1 and shall cover the 1-year period ending August 31 of the preceding year."; in subsec. (f), in para. (1), substituted subpara. (F) for one which read:

"(F) Statistics concerning the occurrence on campus, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, of the following criminal offenses reported to campus security authorities or local police agencies—

"(i) murder;

"(ii) sex offenses, forcible or nonforcible;

"(iii) robbery;

"(iv) aggravated assault;

"(v) burglary; and

"(vi) motor vehicle theft.";

deleted subpara. (H), which read:

"(H) Statistics concerning the number of arrests for the following crimes occurring on campus:

"(i) liquor law violations;

"(ii) drug abuse violations; and

"(iii) weapons possessions.";

in subpara. (I), substituted "120" for "1213", and redesignated such subparagraph as subpara. (H), in para. (4), in the introductory matter, substituted "On an annual basis, each" for "Upon the request of the Secretary, each" and substituted "paragraph (1)(F)" for "paragraphs (1)(F) and (1)(H)", in subpara. (A), substituted "and the Workforce" for "and Labor", substituted "2000" for "1995", and deleted "and" after the concluding semicolon, redesignated subpara. (B) as subpara. (C), and added new subpara. (B), in para. (5), substituted subpara. (A) for one which read:

"(A) For purposes of this subsection, the term "campus" includes—

"(i) any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct support of, or related to its educational purposes; or

"(ii) any building or property owned or controlled by student organizations recognized by the institution.";

in para. (6), substituted "paragraph (1)(F)" for "paragraphs (1)(F) and (1)(H)", and added the sentence beginning "Such statistics shall not . . .", redesignated paras. (4)–(7) as paras. (5)–(8), respectively, and added new para. (4), and added paras. (9)–(15); and, in subsec. (g), in para. (1), added subparas. (I) and (J), deleted para. (5), which read: "(5) Regulations

and effective date. The Secretary shall issue final regulations to implement the requirements of this subsection not later than 180 days following the enactment of this subsection. Each institution described in paragraph (1) shall make available its first report pursuant to this section not later than October 1, 1996.", redesignated para. (4) as para. (5), and added new para. (4).

2000. Act Oct. 28, 2000 (effective 2 years after enactment, as provided by § 1601(c)(2) of such Act, which appears as a note to this section), in subsec. (f)(1), added subpara. (I).

Redesignation:

Part F of Title IV of Act Nov. 8, 1965, P.L. 89-329, was redesignated Part G of such Title by Act Oct. 17, 1986, P.L. 99-498, Title IV, § 406(a), 100 Stat. 1454, effective on enactment, as provided by § 2 of such Act, which appears as 20 USCS § 1001 note.

Other provisions:

Application of subsec. (b). Act Oct. 17, 1986, P.L. 99-498, Title IV, § 407(b)(4), 100 Stat. 1494, which appears as 20 USCS § 1091 note, provides that subsec. (b) of this section is applicable to periods of enrollment beginning on or after July 1, 1987.

Congressional findings. Act Nov. 8, 1990, P.L. 101-542, Title I, § 102, 104 Stat. 2381, provides:

"The Congress finds that—

"(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

"(2) there is increasing concern among citizens, educators, and public officials regarding the academic performance of students at institutions of higher education;

"(3) a recent study by the National Institute of Independent Colleges and Universities found that just 43 percent of students attending 4-year public colleges and universities and 54 percent of students entering private institutions graduated within 6 years of enrolling;

"(4) the academic performance of student athletes, especially student athletes receiving football and basketball scholarships, has been a source of great concern in recent years;

"(5) more than 10,000 athletic scholarships are provided annually by institutions of higher education;

"(6) prospective students and prospective student athletes should be aware of the educational commitments of an institution of higher education; and

"(7) knowledge of graduation rates would help prospective students and prospective student athletes make an informed judgment about the educational benefits available at a given institution of higher education."

Effective date of subsec. (e). Act Nov. 8, 1990, P.L. 101-542, Title I, § 104(b), 104 Stat. 2384; April 9, 1991, P.L. 102-26, § 10(e), 105 Stat. 128, provides: "The report to the Secretary of Education required by the amendments made by this section [adding subsec. (e) of this section] shall be due on July 1, 1993, and annually thereafter, and shall cover the one-year period ending on June 30 of the preceding year."

Crime awareness and campus security; congressional findings. Act Nov. 8, 1990, P.L. 101-542, Title II, § 202, 104 Stat. 2384, provides:

"The Congress finds that—

"(1) the reported incidence of crime, particularly violent crime, on some college campuses has steadily risen in recent years;

"(2) although annual 'National Campus Violence Surveys' indicate that roughly 80 percent of campus crimes are committed by a student upon another student and that approximately 95 percent of the campus crimes that are violent are alcohol-or drug-related, there are currently no comprehensive data on campus crimes;

"(3) out of 8,000 postsecondary institutions participating in Federal student aid programs, only 352 colleges and universities voluntarily provide crime statistics directly through the Uniform Crime Report of the Federal Bureau of Investigation, and other institutions report data indirectly, through local police agencies or States, in a manner that does not permit campus statistics to be separated;

"(4) several State legislatures have adopted or are considering legislation to require reporting of campus crime statistics and dissemination of security practices and procedures, but the bills are not uniform in their requirements and standards;

"(5) students and employees of institutions of higher education should be aware of the incidence of crime on campus

and policies and procedures to prevent crime or to report occurrences of crime;

"(6) applicants for enrollment at a college or university, and their parents, should have access to information about the crime statistics of that institution and its security policies and procedures; and

"(7) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need—

"(A) to encourage the development on all campuses of security policies and procedures;

"(B) for uniformity and consistency in the reporting of crimes on campus; and

"(C) to encourage the development of policies and procedures to address sexual assaults and racial violence on college campuses.".

Effective date and applicability of Nov. 8, 1990 amendments adding subsecs. (e) and (f). Act Nov. 8, 1990, P.L. 101-542, Title II, § 204(c), 104 Stat. 2387, provides: "The amendments made by this section [adding subsecs. (e) and (f) to this section] shall take effect on September 1, 1991, except that the requirement of section 485(f)(1)(F) and (H) of the Higher Education Act of 1965 [subsec. (f)(1)(F), (H) of this section] (as added by this section) shall be applied to require statistics with respect to school years preceding the date of enactment of this Act only to the extent that data concerning such years is reasonably available.".

Conforming regulations. Act Nov. 8, 1990, P.L. 101-482, Title IV, § 401(a), 104 Stat. 2388, provides: "The Secretary is authorized to issue regulations to carry out the provisions of this Act [amending 20 USCS §§ 1085, 1092, 1094, 1232g; notes to 20 USCS §§ 1001, 1092, 1094].".

Application of 1992 amendment of subsec. (f)(1)(F)(ii). Act July 23, 1992, P.L. 102-325, Title IV, Part G, § 486(c)(3), 106 Stat. 622, provides:

"The amendment made by this subsection to subparagraph (F)(ii) of section 485(f)(1) of the Act [subsec. (f)(1)(F)(ii) of this section] shall be effective with respect to reports made pursuant to such section on or after September 1, 1993. The statistics required by subparagraph (F) of such section shall—

"(A) in the report required on September 1, 1992, include statistics concerning the occurrence on campus of offenses during the period from August 1, 1991, to July 31, 1992;

"(B) in the report required on September 1, 1993, include statistics concerning the occurrence on campus of offenses during (i) the period from August 1, 1991, to December 31, 1991, and (ii) the calendar year 1992;

"(C) in the report required on September 1, 1994, include statistics concerning the occurrence on campus of offenses during (i) the period from August 1, 1991, to December 31, 1991, and (ii) the calendar years 1992 and 1993; and

"(D) in the report required on September 1 of 1995 and each succeeding year, include statistics concerning the occurrence on campus of offenses during the three calendar years preceding the year in which the report is made.".

Equity in Athletics Disclosure Act; congressional findings. Act Oct. 20, 1994, P.L. 103-382, Title III, Part E, § 360B(b), 108 Stat. 3969, provides:

"The Congress finds that—

"(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

"(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

"(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

"(4) a recent study by the National Collegiate Athletic Association found that in Division I-A institutions, only 20 percent of the average athletic department operations budget of \$1,310,000 is spent on women's athletics; 15 percent of the average recruiting budget of \$318,402 is spent on recruiting female athletes; the average scholarship expenses for men is \$1,300,000 and \$505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

"(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

"(6) male college athletes receive approximately \$179,000,000 more per year in athletic scholarship grants than female college athletes;

"(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

"(8) knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students.".

Effective date and applicability of June 12, 1997 amendments. Act June 12, 1997, P.L. 105-18, Title VI, § 60001(b), 111 Stat. 214, provides:

"(1) In general. Except as provided in paragraph (2), the amendments made by subsection (a) [amending subsecs. (a)(3)(B) and (e)(9) of this section] are effective upon enactment.

"(2) Information dissemination. No institution shall be required to comply with the amendment made by subsection (a)(1) [amending subsec. (a)(3)(B) of this section] before July 1, 1998."

Effective date of Oct. 28, 2000 amendment. Act Oct. 28, 2000, P.L. 106-386, Div B, Title VI, § 1601(c)(2), 114 Stat. 1538, provides: "The amendment made by this subsection [adding subsec. (f)(1)(I) of this section] shall take effect 2 years after the date of the enactment of this Act."

NOTES:

Code of Federal Regulations:

Office of Postsecondary Education, Department of Education—Student assistance general provisions, 34 CFR Part 668.

Office of Postsecondary Education, Department of Education—Federal Family Education Loan (FEEL) program, 34 CFR Part 682.

Related Statutes & Rules:

This section is referred to in 20 USCS §§ 1094, 1152.

Interpretive Notes and Decisions:

Secretary of Education's refund regulation, 34 CFR § 688.22, under which refund calculation is not affected by any unpaid charges of government but only by student's unpaid charges, is reasonable interpretation of conflicting statutory mandates found in 20 USCS §§ 1091 and 1092. *Career College Ass'n v Riley* (1996, App DC) 317 US App DC 232, 82 F3d 476.